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RULE AS PRELIMINARILY ADOPTED AND PROPOSED FOR FINAL ADOPTION WITH SUGGESTED CHANGES

TITLE 326 AIR POLLUTION CONTROL BOARD

LSA Document #98-134

DIGEST

Amends 326 IAC 13-1.1-1, Definitions; 326 IAC 13-1.1-2, Applicability; 326 IAC 13-1.1-5, Issuance of certificates of compliance; testing and inspection schedule; 326 IAC 13-1.1-6, Network type; 326 IAC 13-1.1-7, Test parameters; 326 IAC 13-1.1-8, Testing procedures and standards; 326 IAC 13-1.1-9, Tampering inspection; 326 IAC 13-1.1-10, Waivers and compliance through diagnostic inspection; 326 IAC 13-1.1-13, Test reports; repair forms; 326 IAC 13-1.1-14, Facility and testing requirements; 326 IAC 13-1.1-15, Motor vehicle emissions inspectors; certification; and 326 IAC 13-1.1-16, Facility quality assurance program. Adds 326 IAC 13-1.1-17.1, On-board diagnostic check. Repeals 326 IAC 13-1.1-17, Fleet inspection procedures. Effective 30 days after filing with the secretary of state.

HISTORY

First Notice of Comment Period: July 1, 1998, Indiana Register (21 IR 4038).

Second Notice of Comment Period and Notice of First Hearing: September 1, 1998, Indiana Register (21 IR 4590).

Date of First Hearing: November 4, 1998.

Proposed Rule and Notice of Public Hearing: December 1, 1998, Indiana Register 21 IR ____.

Date of Second Hearing: December 2, 1998.

326 IAC 13-1.1-1	326 IAC 13-1.1-7	326 IAC 13-1.1-13	326 IAC 13-1.1-16
326 IAC 13-1.1-2	326 IAC 13-1.1-8	326 IAC 13-1.1-14	326 IAC 13-1.1-17.1
326 IAC 13-1.1-5	326 IAC 13-1.1-9	326 IAC 13-1.1-15	326 IAC 13-1.1-17
326 IAC 13-1.1-6	326 IAC 13-1.1-10		

SECTION 1. 326 IAC 13-1.1-1 IS AMENDED TO READ AS FOLLOWS:

326 IAC 13-1.1-1 Definitions

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 1. The following definitions apply throughout this rule:

(1) "2500/idle" means a two (2) speed idle test as described in 40 CFR 51, Appendix B*.

(2) "Basic inspection/maintenance (I/M)" means an I/M program that meets the requirements for a basic I/M program as defined in 40 CFR 51*.

(3) "Bureau" means the bureau of motor vehicles.

(4) "Certificate of compliance" means a certificate issued to motor vehicle owners or operators passing the emissions test and tampering inspection or receiving a waiver pursuant to this rule which must be presented to the bureau in order to receive a certificate of registration.

(5) "Certified configuration" means an engine or engine-chassis design which has been certified by the U.S. EPA under 40 CFR 86*, prior to the production of vehicles with that design.

(6) "Certified Inspection and Maintenance (I/M) emissions repair technician" means a technician that has satisfactorily completed approved department certified I/M emission repair technician training.

(7) "Certified inspector" means a contracted employee that has satisfactorily completed approved department certified inspector training.

~~(6)~~**(8)** "Contractor" means any offeror or organization selected as a result of the state procurement process to operate a vehicle emission testing program and any employees of that contractor.

~~(7)~~**(9)** "Dedicated alternative fuel vehicle" means a vehicle that is not capable of running on gasoline at any time.

~~(8)~~**(10)** "Department" means the department of environmental management or its contractor.

~~(9)~~**(11)** "Dual fuel vehicle" means a vehicle capable of operating on either gasoline or one (1) of the fuels stated in section 4(b) of this rule.

~~(11)~~**(12)** "Facility" means a motor vehicle testing location, either mobile or stationary, operated by the contractor and established in accordance with this rule.

~~(12)~~**(13)** "Fleet" means a group of light duty motor vehicles, medium duty motor vehicles, or a combination thereof owned or operated by an individual, a company, a corporation, or a federal, state, or local government unit.

~~(13)~~**(14)** "Heavy duty motor vehicle" means a motor vehicle registered as a "truck 11" (eleven thousand (11,000) pounds or greater), a "farm truck 11" (eleven thousand (11,000) pounds or greater), a "tractor 20" (twenty thousand (20,000) pounds or greater), a bus, or a government motor vehicle so identified. **with a Gross Vehicle Weight Rating (GVWR) greater than nine thousand (9,000) pounds.**

~~(14)~~**(15)** "Idle test" means a single speed idle test as described in 40 CFR 51, Appendix

B*.

~~(15)~~**(16)** "I/M" means inspection/maintenance.

~~(16)~~**(17)** "I/M 240" means a transient emission test as described in 40 CFR 51, Appendix B*.

(18) "I/M 93" means a version of I/M 240 that:

(A) is shorter in duration by utilizing only phase I (ninety-three (93) second drive trace) of the I/M 240 driving cycle;

(B) allows a second attempt to pass; and

(C) eliminates both the purge and pressure tests.

~~(17)~~**(19)** "Light duty motor vehicle" means a motor vehicle registered as a passenger motor vehicle (except vans registered as passenger motor vehicles), a station wagon registered as a "truck 7" (seven thousand (7,000) pounds gross vehicle weight), or a government motor vehicle so identified: **with a GVWR less than or equal to six thousand (6,000) pounds.**

~~(18)~~**(20)** "Medium duty motor vehicle" means a motor vehicle registered as a "truck 7" (seven thousand (7,000) pounds, except a station wagon registered as a "truck 7"), a "truck 9" (nine thousand (9,000) pounds), a van registered as a passenger motor vehicle, or a government motor vehicle so identified **with a GVWR of six thousand one (6,001) pounds or greater and less than or equal to nine thousand (9,000) pounds.**

~~(19)~~**(21)** "Motorcycle" means a motor vehicle having a seat or saddle for the rider and designed to travel on not more than three (3) wheels in contact with the ground.

~~(20)~~**(22)** "Motor vehicle" means a **self-propelled** vehicle with an internal combustion engine used on the public roads.

~~(21)~~**(23)** "Motor vehicle emission inspector" means an individual meeting the requirements of section 15 of this rule.

~~(22)~~**(24)** "Motor vehicle model year" or "model year" means the date of manufacture of the original motor vehicle within the annual production period of such motor vehicle as designated by the manufacturer.

(25) "OBDII" means second generation on-board diagnostics systems.

~~(23)~~**(26)** "Purge test" means a test that measures the total purge flow occurring in the vehicle's evaporative system during the transient dynamometer emission test as described in High-Tech I/M Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications (dated April 1994) and 40 CFR 51*.

~~(24)~~**(27)** "Pressure test" means a test that pressurizes the evaporative system to check for leakage as described in High-Tech I/M Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications (dated April 1994) and 40 CFR 51*.

~~(25)~~**(28)** "Recall" means a voluntary emissions recall as described in 40 CFR 85.1902(d)*.

~~(26)~~**(29)** "Tampering check" means a visual inspection of catalytic converters, fuel filler caps, positive crankcase ventilation (PCV) systems, and evaporative systems.

(30) "VIN" means vehicle identification number.

*Copies of the Code of Federal Regulations (CFR) and referenced materials may be obtained from the Government Printing Office, Washington, D.C. 20402. ~~Copies also~~ **and** are **also** available, **for copying**, at the Department of Environmental Management, Office of Air Management, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (*Air Pollution Control Board; 326 IAC 13-1.1-1; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2730*)

SECTION 2. 326 IAC 13-1.1-2 IS AMENDED TO READ AS FOLLOWS:

326 IAC 13-1.1-2 Applicability

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 2. (a) The following motor vehicles in Clark, Floyd, Lake, and Porter Counties are subject to the requirements of this rule, unless such vehicles are exempt or have received a waiver from the requirements as specified in section 10 of this rule:

- (1) Vehicle model years 1976 and newer.
- (2) Light and medium duty motor vehicles.
- (3) Vehicles registered or reregistered for highway use.
- (4) Fleets primarily operated within Clark, Floyd, Lake, or Porter County.
- (5) Leased vehicles ~~which~~ **that** have the registration or titling in the name of the equity owner other than the lessee or user.
- (6) Vehicles that are operated on federal installations located within Clark, Floyd, Lake, or Porter County, regardless of whether the vehicles are registered with the federal installation or in Clark, Floyd, Lake, or Porter County. This requirement applies to all employee-owned or leased vehicles (including vehicles owned, leased, or operated by civilian and military personnel on federal installations) as well as agency-owned or operated vehicles, operated on the installation. This requirement shall not apply to visiting agency, employee, or military personnel vehicles as long as such visits do not exceed sixty (60) calendar days per year.

(b) Motor vehicles subject to the provisions of this rule in Clark, Floyd, Lake, and Porter Counties shall be tested under the parameters specified for I/M 240 or I/M 93 found at section 7 of this rule.

(c) Light and medium duty motor vehicles in Clark, Floyd, Lake, and Porter Counties of model year 1996 or newer are subject to the provisions of the second generation on-board diagnostics systems (OBDII) check found at section 17 of this rule starting January 1, 2001.

~~(b)~~**(d)** The following motor vehicles are exempt from the testing requirements of this rule:

- (1) Heavy duty motor vehicles.

- (2) Motorcycles.
- (3) Motor vehicles with engine displacement less than two hundred (200) cubic centimeters.
- (4) Farm tractors and off highway construction equipment.
- (5) Motor vehicles registered as recreational vehicles (RV).
- (6) Motor vehicles using diesel fuel.
- (7) All motor vehicles with a chassis year and engine year prior to 1976 as identified by the vehicle identification number and engine identification number.
- (8) Electric vehicles or vehicles that have been certified by the department as being electric.

(c)(e) Motor vehicles registered in Clark, Floyd, Lake, or Porter County but operated in another I/M area shall be tested either where they are primarily operated or shall be given an extension by the department so that testing can occur when the vehicle is brought into the county of registration. The bureau may accept a certificate of compliance from another U.S. EPA approved I/M program.

(d) In addition to those motor vehicles listed in subsection (b), new motor vehicles are exempt from the testing requirements of this rule. As used in this rule, "new motor vehicle" means all light or medium duty motor vehicle registered for highway use the model year of which is the present calendar year or the present calendar year plus one (1) year.

(f) Model year vehicles 1999 1996 and newer shall be tested beginning four (4) calendar years after the model year of the vehicle in order to demonstrate initial compliance. After the initial demonstration of compliance, model year vehicles 1999 1996 and newer shall be tested in the calendar year that corresponds to the vehicle's VIN model year of the vehicle as specified at section 5 of this rule.

(g) Model year vehicles 1996 through 1998 shall be tested as follows:

(1) Model year vehicles with a VIN from and including numbers 000 through 495 or if the VIN contains any letters in place of the last three (3) digits shall be tested in the following years:

(A) Model year 1996 vehicles shall be tested during the calendar year of 2000 and each even numbered year thereafter.

(B) Model year 1997 vehicles shall be tested during the calendar year of 2000 and each even numbered year thereafter.

(C) Model year 1998 vehicles shall be tested during the calendar year of 2002 and each even numbered year thereafter.

(2) Model year vehicles with a VIN from and including numbers 496 through 999 shall be tested on the following years:

(A) Model year 1996 vehicles shall be tested during the calendar year

~~of 1999 and each odd numbered year thereafter.~~
~~(B) Model year 1997 vehicles shall be tested during the calendar year~~
~~of 2001 and each odd numbered year thereafter.~~
~~(C) Model year 1998 vehicle shall be tested during the calendar year~~
~~of 2001 and each odd numbered year thereafter.~~

(e)(h)(g) Owners or operators who commute to Jefferson County, Kentucky from Indiana and are subject to the Jefferson County I/M regulations may have their vehicles tested in Clark, Floyd, Lake, or Porter County.

(f)(i)(h) Owners or operators of vehicles registered in a state other than Indiana who are subject to their state's I/M regulations may have their vehicles tested in Clark, Floyd, Lake, or Porter County under either of the following conditions:

(1) **The owner or operator of the vehicle has resided in Clark, Floyd, Lake, or Porter County for a minimum of three (3) months of the previous twelve (12) month period as of the date the vehicle is presented for emissions testing.**

(2) **The owner or operator of the vehicle has operated the vehicle in Clark, Floyd, Lake, or Porter County for a minimum of three (3) months of the previous twelve (12) month period as of the date the vehicle is presented for emissions testing.** (*Air Pollution Control Board; 326 IAC 13-1.1-2; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2731*)

SECTION 3. 326 IAC 13-1.1-5 IS AMENDED TO READ AS FOLLOWS:

326 IAC 13-1.1-5 Issuance of certificates of compliance; testing and inspection schedule

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 5. (a) Effective January 1, 1990, an owner or operator of a motor vehicle subject to the testing and inspection requirements of this rule shall present such motor vehicle to a facility for an emissions test and tampering inspection during the month and year, or within three (3) months prior to such month and year, determined as follows:

(1) The month that corresponds to the registration month for such vehicle as determined by the bureau.

(2) The even-numbered or odd-numbered year that corresponds to the last three (3) digits of the motor vehicle's vehicle identification number (VIN), model year of the vehicle as follows:

(A) If the last three (3) digits of the VIN are from 000 to 495, or if the VIN contains any letters in place of the last three (3) digits **model year of the vehicle is an even-number**, such vehicle shall be tested in even-numbered **calendar** years.

(B) If the last three (3) digits of the VIN are from 496 to 999 **model year of the**

vehicle is an odd-numbered year, such vehicle shall be tested in odd-numbered **calendar** years.

(b) A certificate of compliance shall be issued to owners or operators of motor vehicles that pass the emissions test and tampering inspection and to motor vehicles that are granted a waiver in accordance with this rule. Upon successful completion of an I/M test, a paper based certificate of compliance shall be issued to the owner or operator and shall clearly indicate the certificate is for the purposes of registration. The certificate shall indicate the following:

- (1) Expiration date of the certificate.
- (2) Unambiguous vehicle identification information.
- (3) Whether the vehicle passed or received a waiver.

Except as provided in section 2(f) and 2(g) of this rule, Such ~~such~~ certificate shall be presented to the bureau in order to obtain registration **only during the year that testing is required based on the vehicle's VIN model year of the vehicle**. The certificate of compliance shall be valid through the end of the month and year indicated on the certificate.

(c) The department may notify motorists in advance of the required test; however, each owner or operator of a motor vehicle subject to this rule is responsible for ensuring that the vehicle is tested. (*Air Pollution Control Board; 326 IAC 13-1.1-5; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2732*)

SECTION 4. 326 IAC 13-1.1-6 IS AMENDED TO READ AS FOLLOWS:

326 IAC 13-1.1-6 Network type

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 6. The basic and enhanced I/M programs shall be **conducted at** centralized, test-only facilities. Neither the contractor nor any employee of an official I/M test station shall engage either directly or indirectly in motor vehicle repair or service, motor vehicle parts sales, or motor vehicle sales and leasing. (*Air Pollution Control Board; 326 IAC 13-1.1-6; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2732*)

SECTION 5. 326 IAC 13-1.1-7 IS AMENDED TO READ AS FOLLOWS:

326 IAC 13-1.1-7 Test parameters

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 7. (a) The parameters for enhanced I/M **240** are as follows:

Test Type	
I/M 240	1981 and newer model years
Purge	1981 and newer model years
Pressure	1976 and newer model years
Idle	1976 through 1980 model years
Tampering check	1976 and newer model years
Items	PCV system disablements, catalyst removals, evaporative system disablements, and damaged or missing gas fuel filler cap
OBDII	1996 and newer model years, starting January 1, 2001

(b) The parameters for basic I/M are as follows:

Test Type	
2500/idle	1981 and newer model years
Idle	1976 through 1980 model years
Fuel filler cap pressure	1976 and newer model years
Tampering check	1976 and newer model years
Items	PCV system disablements, catalyst removals, evaporative system disablements, and damaged or missing gas fuel filler caps

(c) The parameters for I/M 93 are as follows:

Test Type	
I/M 93	1981 and newer model years
Idle	1976 through 1980 model years
Fuel filler cap pressure	1976 and newer model years
Tampering check	1976 and newer model years
Items	Catalyst removals and damaged or missing fuel filler caps
OBDII	1996 and newer model years, starting January 1, 2001

(Air Pollution Control Board; 326 IAC 13-1.1-7; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2732)

SECTION 6. 326 IAC 13-1.1-8 IS AMENDED TO READ AS FOLLOWS:

326 IAC 13-1.1-8 Testing procedures and standards

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 8. (a) Each motor vehicle shall be presented for testing and inspection at a facility with its certificate of registration or proof of ownership which **that** identifies the motor vehicle by make, model year, vehicle identification number, and license number.

(b) The contractor shall not **only** test any vehicle **vehicles** if the exhaust system is missing or leaking, or if the vehicle is in an unsafe condition for testing. **if all of the following conditions**

are met:

- (1) The exhaust system is intact and without leaks.
- (2) The vehicle is in safe condition for testing.
- (3) The motorist has exited from the vehicle.

(c) All tests shall be performed by a certified inspector.

(c)(d) Test procedures for enhanced I/M **emission testing** and basic I/M shall comply with High-Tech I/M Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications (dated April 1994)*. **dated June 1996***.

(d)(e) Emission standards shall comply with High-Tech I/M Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications (dated April 1994)*. **dated June 1996***.

(e)(f) Vehicles shall be retested after repair for any portion of the inspection that was failed. To the extent that repairs to correct a previous failure could lead to failure of another portion of the test, that portion shall also be retested. Evaporative system repairs shall trigger an exhaust emission retest. Exhaust emission retests shall not be conducted unless the owner or operator of the vehicle demonstrates that the vehicle has had appropriate repairs for the reason of failure. In the case of tampering failures, the owner or operator must demonstrate that the tampered condition or equipment has been repaired or replaced before a retest is performed.

(f)(g) Vehicles that are subject to a **an emissions** recall but have not had recall repairs shall not be tested until such repairs have been made.

(g)(h) If the U.S. EPA has granted a waiver in accordance with Section 182(f) of the Clean Air Act* for any county or counties subject to this rule, the department may determine that during the period when the NO_x waiver is in effect, failure of the NO_x portion of the I/M test is not grounds for denial of a certificate of compliance for vehicles within that county or counties. Upon making such a determination, the department shall notify the contractor in writing indicating the effective dates of the determination.

*Copies of the Code of Federal Regulations (CFR) **High-Tech I/M Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specification dated June 1996, Clean Air Act**, and referenced materials may be obtained from the Government Printing Office, Washington, D.C. 20402. Copies also and are also available, for copying, at the Department of Environmental Management, Office of Air Management, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (*Air Pollution Control Board; 326 IAC 13-1.1-8; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2733*)

SECTION 7. 326 IAC 13-1.1-9 IS AMENDED TO READ AS FOLLOWS:

326 IAC 13-1.1-9 Tampering inspection

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 9. (a) Each motor vehicle subject to the requirements of this rule shall be subjected to a visual tampering inspection at the facility. The motor vehicle shall be inspected for the presence and good operating condition of emission control devices included in the manufacturer's original design. At a minimum, emission control devices subject to inspection shall include the following:

(1) For I/M 240 emission testing:

- (1)(A) Catalytic converters.
- (2)(B) Fuel filler caps.
- (3)(C) Positive crankcase ventilation (PCV) system systems.
- (4)(D) Evaporative systems.

(2) For I/M 93 emission testing:

- (A) Catalytic converters.
- (B) Fuel filler caps.

(3) For basic I/M emissions testing:

- (A) Catalytic converters.
- (B) Fuel filler caps.

If any emission control devices are found in a tampered condition, such devices shall be repaired or replaced prior to any initial testing, retesting, or reinspection as provided in section 8(e)(f) of this rule.

(b) Alteration of a vehicle's chassis configuration from a certified to a noncertified configuration is prohibited. In the inspection process, vehicles that have been altered from their original, certified configuration are to be tested in the same manner as other subject vehicles as follows:

- (1) Vehicles with engines other than the engine originally installed by the manufacturer or an identical replacement of such engine shall be subject to the inspection standards for the chassis type and model year for all parts that are part of the original or now-applicable certified configuration.
- (2) Vehicles in which the engine of one (1) fuel type has been replaced or modified to an engine of a different fuel type that is subject to the I/M program (such as from a diesel engine to a gasoline engine) shall be subject to the test procedures and standards for the current fuel type and to the requirements in subdivision (1).
- (3) Vehicles that are switched to a fuel type for which there is no certified configuration shall be tested according to the most stringent I/M gasoline emission standards established for that vehicle type and model year. Emission control device requirements may be waived if the

department determines that the alternatively fueled vehicle configuration would meet the new vehicle standards for the model year without such devices.

(c) Mixing vehicle classes (such as light duty with heavy duty) and certification types (such as California with federal) within a single vehicle configuration shall be considered tampering.

(d) All vehicles must comply with ~~326 IAC 13-2~~ **326 IAC 13-2.1** [*326 IAC 13-2 was repealed filed May 24, 1990, 10:00 a.m.: 13 IR 1853.*]. (*Air Pollution Control Board; 326 IAC 13-1.1-9; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2733; errata filed Sep 9, 1995, 9:00 a.m.: 19 IR 42*)

SECTION 8. 326 IAC 13-1.1-10 IS AMENDED TO READ AS FOLLOWS:

326 IAC 13-1.1-10 Waivers and compliance through diagnostic inspection

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 10. (a) A waiver of the requirement that a motor vehicle obtain a certificate of compliance may be issued only under the following conditions:

(1) A waiver shall be issued only after a vehicle has failed a retest performed after all emission-related repairs as described in subdivisions (3) through (5) have been completed. Vehicles that are subject to a **an emissions** recall but have not had recall repairs shall not be eligible for a waiver until such repairs have been made.

(2) Waivers shall not be issued to vehicles for tampering-related repairs. The cost of tampering-related repairs shall not be applicable to the minimum expenditure in subdivision (5). The department may issue exemptions for tampering-related repairs if ~~it can be verified~~ **the motorist can verify** that the part in question or one (1) similar to it is no longer available for sale.

(3) Repairs shall be appropriate to the cause of the test failure, and a visual check shall be made at the time of retest to determine if repairs were actually made. Receipts shall be submitted for review at the test site to further verify that qualifying repairs were performed.

(4) Repairs shall be performed at a certified I/M emission repair facility. A certified I/M emission repair facility shall meet the following criteria:

(A) Employ at least one (1) certified I/M emission repair technician as defined in this rule.

(B) For all I/M emission testing, possess the following:

(i) Reference material.

(ii) Digital multimeter.

(iii) Vacuum and fuel pressure testing equipment.

(iv) Carbon/fuel injection cleaning equipment.

(v) Ignition scope with distributorless ignition (DIS) capability.

(vi) 2, 3, 4, or 5 gas analyzer.

(vii) Scan tool.

(C) For all I/M emission testing beginning January 1, 2000, possess the following:

- (i) All equipment listed in clause (B).
 - (ii) Digital storage oscilloscope (DSO).
 - (iii) OBDII scan tool.
- (D) For I/M 240 emission testing, possess the following:
- (i) All equipment listed in clauses (A) and (B).
 - (ii) Purge-flow tester.

The department may suspend, revoke, or deny renewal of a certification of a certified I/M emission repair facility if the facility fails to adhere to program requirements.

(4)(5) In order to qualify for a waiver, repairs shall be performed by a **certified I/M emission** repair technician who:

- (A) ~~between the effective date of this rule and December 31, 1997, is certified and maintains current certification as an Automotive Service Excellence (ASE) A6 (Electrical/Electronic Systems) technician and an A8 (Engine Performance) technician;~~
- (B) ~~on and after January 1, 1998, 2000, is certified and maintains current certification as an ASE A8 (Engine Performance) and an ASE L1 (Advanced Engine Performance) technician;~~
- (C) ~~has successfully completed the state department approved emission and driveability training program;~~
- (D) ~~is professionally engaged in emission/driveability repair; and~~
- (E) ~~is employed at a concern that possesses, in good working order, the equipment necessary for these repairs.~~ **certified I/M emission repair facility.**

The department may suspend, revoke, or deny renewal of a certification of a certified I/M emission repair technician if the technician fails to adhere to program requirements.

(6) Repairs appropriate to the reason for the failure may be performed by nontechnicians (such as owners) to apply toward the waiver limit for 1980 model year or older vehicles **1976 through 1980.**

(5)(7) In order to qualify for a **minimum expenditure** waiver, motorists in Lake or Porter County with 1981 model year or newer vehicles shall expend the following:

- (A) ~~at least two hundred dollars (\$200) in repairs between the effective date of this rule and December 31, 1995;~~
- (B) ~~at least three hundred dollars (\$300) in repairs between January 1, 1996, and December 31, 1998; and~~
- (C)(A) ~~at least four hundred fifty dollars (\$450) in repairs on or after January 1, 1999.~~

~~Beginning in January 2000, the department shall adjust the four hundred fifty dollars (\$450) minimum expenditure in January of each year by the percentage, if any, by which the Consumer Price Index (CPI) for the preceding calendar year differs from the CPI for 1989.~~

(B) Motorists in **Clark, Floyd, Lake, or Porter County** with **1976 through 1980** model year or older vehicles shall expend at least seventy-five dollars (\$75) in repairs **in order to qualify for a minimum expenditure waiver.**

(C)Motorists in Clark or Floyd County and motorists subject to basic I/M shall expend a minimum of ~~seventy-five dollars (\$75) for 1980 model year or older vehicles and two hundred dollars (\$200) for 1981 and later~~ **newer** vehicles in order to qualify for a **minimum expenditure** waiver.

The costs of owner performed repairs shall not include labor costs. Any available warranty coverage shall be used to obtain needed repairs before expenditures can be counted towards the cost limits. The operator of a vehicle within the statutory age and mileage coverage under Section 207(b) of the Clean Air Act* shall present a written denial of warranty coverage from the manufacturer or authorized dealer for this provision to be waived for approved tests applicable to the vehicle.

~~(6)~~**(8)** Vehicles subject to an enhanced I/M emission test at the cutpoints established in 40 CFR 51.351* may be issued a certificate of compliance without meeting the prescribed emission cutpoints, if, after failing a retest, a complete, documented physical and functional diagnosis and inspection performed by the contractor shows no additional emission-related repairs are needed. Any such exemption policy and procedures shall be subject to EPA approval.

(9) After an initial I/M emission test failure, a vehicle may be retested up to four (4) additional times. A vehicle shall not be retested a fifth time until the type of repairs or modifications necessary has been fully evaluated by department and contractor personnel.

~~(7)~~**(10)** Waivers shall be issued only by the test site manager or other employee specifically designated for this purpose.

~~(8)~~**(11)** A waiver shall be valid for no more than one (1) test cycle.

(b) No vehicle in its lifetime shall receive more than one (1) waiver.

*Copies of the Code of Federal Regulations (CFR), **Clean Air Act**, and referenced materials may be obtained from the Government Printing Office, Washington, D.C. 20402: Copies ~~also and~~ are **also** available, **for copying**, at the Department of Environmental Management, Office of Air Management, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (*Air Pollution Control Board; 326 IAC 13-1.1-10; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2734*)

SECTION 9. 326 IAC 13-1.1-13 IS AMENDED TO READ AS FOLLOWS:

326 IAC 13-1.1-13 Test reports; repair forms

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 13. (a) Each owner of a motor vehicle tested at a facility shall be provided a test report which shall include, but is not limited to, the following information:

- (1) The owner's name.
- (2) The license plate or temporary plate number.
- (3) The type of motor vehicle.
- (4) The motor vehicle identification number (VIN).
- (5) The model year.
- (6) The make of motor vehicle.
- (7) The emission standards applicable to the motor vehicle.
- (8) The emission measurements obtained by the test.
- (9) The final result of the emissions test, evaporative system, and tampering inspection.
- (10) Date and time of inspection.
- (11) The report serial number.
- (12) The facility and lane identification number.
- (13) The odometer reading.
- (14) The identification number of the inspector performing the test.
- (15) The type of tests performed, such as emissions test, visual checks for the presence of emission control components, and evaporative system checks.
- (16) A statement indicating the availability of warranty coverage as required in Section 207 of the Clean Air Act*.
- (17) The certification that the tests were performed in accordance with the regulations.
- (18) For vehicles that fail the tailpipe emission test, information on the possible causes of the specific pattern of high emission levels found during the test.

(b) Owners or operators of failing vehicles shall be provided with the results of repair effectiveness data for all repair facilities operating in the area. The vehicle owner also shall receive a blank repair form.

(c) A repair form, completed by the vehicle owner or person responsible for repairs prior to retest of the motor vehicle, shall contain the following information:

- (1) The exact repairs or adjustments made to the motor vehicle since the initial test.
- (2) The itemized cost of repairs or adjustments made.
- (3) The **name and** location of the repair facility where the repairs or adjustments were made.
- (4) The printed name and signature of the person making the repairs or adjustments.
 - (A) **If the repairs or adjustments are performed by a repair shop, the federal tax identification number shall be provided in the repair form.**
 - (B) **If the repairs or adjustments are performed by an Indiana certified emission technician, the certification number shall be provided in the repair form.**

***Copies of the Clean Air Act referenced may be obtained from the Government Printing Office, Washington, D.C. 20402 and are also available, for copying, at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. (Air**

Pollution Control Board; 326 IAC 13-1.1-13; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2735)

SECTION 10. 326 IAC 13-1.1-14 IS AMENDED TO READ AS FOLLOWS:

326 IAC 13-1.1-14 Facility and testing requirements

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 14. (a) The contractor shall collect data and maintain records of tests and facility operations as required by the department. The contractor shall gather test data to link specific test results to a specific vehicle, I/M program registrant, test site, and inspector, and to determine whether or not the correct testing parameters were observed for the specific vehicle in question. At a minimum, the contractor shall collect the following with respect to each test conducted:

- (1) Test record number.
- (2) Inspection station and inspector numbers.
- (3) Test system number.
- (4) Date of test.
- (5) Emission test start time and time final emission scores are determined.
- (6) Vehicle identification number (VIN).
- (7) License plate number.
- (8) Test certificate number.
- (9) Gross vehicle weight rating (GVWR).
- (10) Vehicle model year, make, and type.
- (11) Number of cylinders or engine displacement.
- (12) Transmission type.
- (13) Odometer reading.
- (14) Category of test performed (such as initial test, first retest, or subsequent retest).
- (15) Fuel type of the vehicle (such as gas, compressed natural gas (CNG), or other fuel).
- (16) Type of vehicle preconditioning performed, if any.
- (17) Emission test sequences used.
- (18) Hydrocarbon emission scores and standards for each applicable test mode.
- (19) Carbon monoxide emission scores and standards for each applicable test mode.
- (20) Carbon dioxide emission scores (CO + CO₂) and standards for each applicable test mode.
- (21) Nitrogen oxides emission scores and standards for each applicable test mode.
- (22) Results (pass/fail/not applicable) of the applicable visual inspections for the catalytic converter, gas cap, evaporative system, and positive crankcase ventilation system.
- (23) Results of the evaporative system pressure test expressed as a pass or fail (**I/M 240 only**).
- (24) Results of the evaporative system purge test expressed as a pass or fail along with the total purge flow in liters achieved during the test (**I/M 240 only**).

(b) At a minimum, the contractor shall gather and report the results of the quality control

checks required under 40 CFR 51.359*, identifying each check by station number, system number, date, and start time. The data report shall also contain the concentration values of the calibration gases used to perform the gas characterization portion of the quality control checks.

*Copies of the Code of Federal Regulations (CFR) and referenced materials may be obtained from the Government Printing Office, Washington, D.C. 20402. ~~Copies also~~ **and** are **also** available, **for copying**, at the Department of Environmental Management, Office of Air Management, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (*Air Pollution Control Board; 326 IAC 13-1.1-14; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2735*)

SECTION 11. 326 IAC 13-1.1-15 IS AMENDED TO READ AS FOLLOWS:

326 IAC 13-1.1-15 Motor vehicle emission inspectors; certification

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 15. (a) In order to perform official inspections, all inspectors shall be certified through a program of training and testing approved by the department.

(b) Inspector certificates shall be valid for no more than two (2) years **one (1) year**. Refresher training and testing shall be required prior to renewal. Alternative approaches based on more comprehensive skill examination and determination of inspector competency may be used with the approval of the department.

(c) The department may suspend, revoke, or deny renewal of an inspector's certificate if the inspector fails to adhere to program requirements. (*Air Pollution Control Board; 326 IAC 13-1.1-15; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2736*)

SECTION 12. 326 IAC 13-1.1-16 IS AMENDED TO READ AS FOLLOWS:

326 IAC 13-1.1-16 Facility quality assurance program

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 16. (a) No emission tests shall be conducted with any analyzer that is not operating within all specifications developed or approved by the department. The following practices, in addition to those described in High Tech I/M Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications (April 1994)* **dated June 1996***, shall be followed:

(1) Preventive maintenance on all inspection equipment shall be performed to ensure accurate

and repeatable operation.

(2) Computerized analyzers shall automatically record quality control check information, lockouts, and attempted tampering, which shall be monitored to ensure proper quality control.

(b) The contractor shall maintain the equipment according to demonstrated good engineering practices to assure test accuracy. The calibration and adjustment requirements in High Tech I/M Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications (~~April 1994~~)* **dated June 1996*** shall apply to all steady state test equipment. Calibration schedules and other quality control frequencies may be adjusted by using statistical process control to monitor equipment performance on an ongoing basis. Additional requirements shall be as follows:

(1) For analyzers that use ambient air as the starting point for emission readings, the air shall be drawn from the air outside the inspection bay or lane in which the analyzer is situated.

(2) The analyzer housing shall be constructed to protect the analyzer bench and electrical components from ambient temperature and humidity fluctuations that exceed the range of the analyzer's design specifications.

(3) Analyzers shall automatically purge the analytical system after each test.

(c) Measures shall be instituted to maintain the security of all documents by which compliance with the inspection requirement is established, including, but not limited to, inspection certificates and waiver certificates. This section shall in no way require the use of paper documents (except for certificates of compliance and waivers) but shall apply if they are used by the program for these purposes.

(d) Compliance documents are to be counterfeit resistant through the use of special fonts, water marks, ultraviolet inks, encoded magnetic strips, unique bar coded identifiers, difficult to acquire materials, or other measures, as approved by the department.

(e) All inspection certificates and waiver certificates shall be printed with a unique serial number and an official program seal.

*Copies of the Code of Federal Regulations (CFR) **High-Tech I/M Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications dated June 1996** and referenced materials may be obtained from the Government Printing Office, Washington, D.C. 20402. ~~Copies also~~ **and are also available, for copying,** at the Department of Environmental Management, Office of Air Management, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220. (*Air Pollution Control Board; 326 IAC 13-1.1-16; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2736*)

SECTION 13. 326 IAC 13-1.1-17.1 IS ADDED TO READ AS FOLLOWS:

326 IAC 13-1.1-17.1 On-board diagnostic check

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 17.1. (a) A certified inspector shall check second generation on-board diagnostic (OBDII) systems to determine if the self diagnostic system is functioning properly and within the parameters specified at 40 CFR 85.2207*. Beginning January 1, 2001, failure of the OBDII test shall be a basis for failure of the I/M emission test. For vehicles that are 1996 model year or newer, reasons for failure of the OBDII test include any of the following conditions:

- (1) The vehicle's OBDII connector is missing, has been tampered with, or is otherwise inoperable.**
- (2) The malfunction indicator light (MIL) does not illuminate upon vehicle startup.**
- (3) The MIL is commanded to be illuminated and it is not illuminated based on visual inspection.**
- (4) The MIL is commanded to be illuminated by any of the OBDII codes specified at 40 CFR 85.2207(c)*.**

(b) The test sequence for the inspection of OBDII systems shall consist of the steps described at 40 CFR 85.2222*.

(c) Motorists whose vehicles fail the OBDII test described in subsection (b) shall be provided with the OBDII test result as specified at 40 CFR 85.2223* including the following information:

- (1) The various OBDII codes retrieved.**
- (2) The status of the MIL illumination command.**
- (3) The customer alert statement.**

Any retrieved codes listed at 40 CFR 85.2223(b)* shall be listed on the test report as specified in that paragraph.

(d) The air pollution control board incorporates by reference the following:

- (1) 40 CFR 51, Subpart S, "Requirements for Preparation, Adoption, and Submittal of Implementation Plans"*, as amended at 61 FR 40945 (August 6, 1996)*.**
- (2) 40 CFR 85, Subpart W, "Control of Air Pollution From Motor Vehicles and Motor Vehicle Engines"*, as amended at 61 FR 40946 (August 6, 1996)*.**

***Copies of the Code of Federal Regulations (CFR) and Federal Register (FR) referenced may be obtained from the Government Printing Office, Washington, D.C. 20402 and are also available, for copying, at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 13-1.1-17.1*)**

SECTION 14. 326 IAC 13-1.1-17 IS REPEALED.